

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD COLE BURCHETT,

Plaintiff,

v.

KIMBERLY M. ACKER, *et al*,

Defendants.

Case No. C05-5561RJB

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. Plaintiff is currently incarcerated at the Stafford Creek Correction Center, located in Aberdeen, Washington. To file a complaint and initiate legal proceedings, plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On July 20, 2005, the Clerk received plaintiff's complaint and an application to proceed *in forma pauperis*. (Dkt. #1). Plaintiff has supplied the Court with an older version of the acknowledgment and authorization form required by 28 U.S.C. § 1915(b), which references the previous \$150.00 court filing fee. However, the court filing fee is now \$250.00.

Accordingly, this Court orders the following:

- 1 (1) Plaintiff shall seek to cure this deficiency by filing **no later than September 30, 2005**, a
2 new signed and dated acknowledgment and authorization form required by 28 U.S.C. §
3 1915(b) referencing the \$250.00 court filing fee.

4 **Failure to cure this deficiency as indicated herein by the above date shall be deemed a**
5 **failure to properly prosecute this matter and the Court will recommend dismissal of**
6 **this matter.**

- 7 (2) The Clerk is directed to send a copy of this Order to plaintiff, along with a copy of the
8 appropriate acknowledgment and authorization form.

9 DATED this 30th day of August, 2005.

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12 Karen L. Strombom
13 United States Magistrate Judge
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